Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

80-81

In the Supreme Court of the United States

WILFREDO SANTIAGO ORTEGA
PETITIONER

vs.

EPIFANIA PEREZ
RESPONDENT

DOCKET NUMBER:
ON WRIT OF CERTIORARI FROM
THE SUPREME COURT OF PUERTO RICO

COUNSEL FOR PETITIONER
MARIA DOLORES FERNOS
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ANTONIO CAJIGAS LLAMAS
STREET 2-B No. 142
URB. SEVERO QUIÑONES
CAROLINA, PUERTO RICO.

In the Supreme Court of the United States

WILFREDO SANTIAGO ORTEGA
Petitioner

vs.

EPIFANIA PEREZ
Respondent

DOCKET NUMBER:
on writ of Certiorari from the Supreme Court of Puerto Rico

INDEX

	Page
Apendix I	1
Appendix II	5
Appendix III	9
Appendix IV	14
Appendix V	18
Appendix VI	28
Appendix VII	32
Appendix VIII	35
Appendix IX	38
Appendix X	43

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Judgment in Civil Case No. 76-2974 on Civil Action rendered by the Superior Court of Puerto Rico, Bayamón Part, on August 3, 1977.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 11th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

TRADUCCION ESPAÑOL CASO WILFREDO SANTIAGO ORTEGA VS. EPIFANIA PEREZ.

APPENDIX I

TRANSLATION FROM SPANISH

IN THE SUPERIOR COURT OF PUERTO RICO
BAYAMON PART

CIVIL NO.: 76-2974

ON: CIVIL ACTION
(Possessory Injunction)

EPIFANIA PEREZ GUZMAN,
PLAINTIFF

V.

BASILIO VEGA VEGA AND
LUIS SANTIAGO ORTEGA,
DEFENDANTS

JUDGMENT

At the hearing of this case by default set for March 18, 1977, the plaintiff herein, EPIFANIA PEREZ GUZMAN, appeared personally and by her counsel, Antonio Cajigas Llamas, Esq.

From the records it appears that the defendants were duly summoned, did not answer the complaint, nor did they attend the hearing of this case.

After having heard the oral proof offered by the plaintiff, the Court considers as proved the claims of the complaint, and as a consequence thereof, hereby renders the following:

JUDGMENT

The defendants BASILIO VEGA VEGA and LUIS SANTIAGO ORTEGA are hereby ordered, within a period of twenty (20) days after being notified of this judgment, to vacate the property of the plaintiff EPIFANIA PEREZ GUZMAN, and to abstain from commiting acts of domain on said property, under penalty of contempt of Court, and each of the defendants is furthermore sentenced to pay the sum of $250.00 for attorneys' fees, which sum they shall deposit in the Office of the Court Clerk in the name of Atty. Antonio Cajigas Llamas, within the term of twenty (20) days after being notified of this Judgment.

GIVEN at Bayamón, Puerto Rico, this the 3rd day of August, 1977.

BE IT REGISTERED AND NOTIFIED.

(Sgd.) JOSE F. RODRIGUEZ RIVERA
SUPERIOR JUDGE

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of an Eviction Order in Civil Case No. 76-2974 (504) on Civil Action, issued by the Superior Court of Puerto Rico, Bayamón Part, on March 27, 1978.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX II

TRANSLATION FROM SPANISH

IN THE SUPERIOR COURT OF PUERTO RICO
BAYAMON PART

CIVIL NO. 76-2974 (505)

ON: CIVIL ACTION
(Possessory Injunction)

EPIFANIA PEREZ GUZMAN,
PLAINTIFF

V.

BASILIO VEGA VEGA AND
LUIS SANTIAGO ORTEGA,
DEFENDANTS

EVICTION ORDER

Having seen the Plaintiff's motion in the above-captioned case, wherein she requests the eviction of the defendants Luis Santiago Ortega and Basilio Vega Vega and their relatives, employees, and/or any person or persons occupying the property which is the object of the aforesaid Complaint; after examining the records of this case and the applicable Law, the Court hereby ACCEPTS said Motion, and as a consequence thereof, hereby orders the eviction of the the defendants Luis Santiago Ortega and Basilio Vega Vega and

their relatives, employees, and/or any person or persons occupying the following property:

> "Parcel of land with a superficial area of FIVE HUNDRED (500) SQUARE METERS, located in Villa Isleña on State Road Number Eight Hundred Thirty-five (835), in Guaraguao Ward of the municipality of Guaynabo, Puerto Rico, bounded on the NORTH, in a distance of thirty-two point sixty-two (32.62) meters, with the paved road or neighborhood path; on the SOUTH, in a distance of nine point forty-five (9.45) meters, with the Alvarado Colón family; on the EAST, in a distance of twenty-seven point thirteen (27.13) meters, with Angel F. Candelaria; and on the WEST, in a distance of eight point twenty-three (8.23) meters, with a paved neighborhood path.
>
> In this lot there are constructed some zinc-roofed wooden structures devoted to residential use."

This order shall remain without effect in the event that the defendant has vacated the property which is the object of the complaint, has paid the costs and expenses of this proceeding as well as the attorneys' fees set by the Court.

GIVEN at Bayamón, Puerto Rico, this the 27th day of March, 1978.

BE IT REGISTERED AND NOTIFIED.

(Sgd.) JOSE F. RODRIGUEZ
SUPERIOR JUDGE

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Writ to the Marshal to Execute Eviction Order, issued by the Superior Court of Puerto Rico, Bayamón Part, on March 27, 1978.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX III

TRANSLATION FROM SPANISH

IN THE SUPERIOR COURT OF PUERTO RICO
BAYAMON PART

CIVIL NO.: 76-2974

ON: CIVIL ACTION
(Possessory Injunction)

EPIFANIA PEREZ GUZMAN,
PLAINTIFF

V.

BASILIO VEGA VEGA AND
LUIS SANTIAGO ORTEGA,
DEFENDANTS

WRIT TO THE MARSHALL TO EXECUTE EVICTION ORDER

TO THE COURT MARSHALL:

On the date of January _____, 1978, this Court issued the following Order:

> "Having seen the Plaintiff's motion in the above-captioned case wherein she requests the eviction of the defendants Luis Santiago Ortega and Basilio Vega Vega and their relatives, employees, and/or any person or persons occupying the property which is the object of the aforesaid Complaint; after examining the records of this case and the applicable Law, the Court hereby

ACCEPTS said Motion, and as a consequence thereof, hereby orders the eviction of the defendants Luis Santiago Ortega and Basilio Vega Vega and their relatives, employees, and/or any person or persons occupying the following property:

"Parcel of land with a superficial area of FIVE HUNDRED (500) SQUARE METERS, located in Villa Isleña on State Road Number Eight Hundred Thirty-five (835), in Guaraguao Ward of the municipality of Guaynabo, Puerto Rico, bounded on the NORTH, in a distance of thirty-two point sixty-two (32.62) meters, with the paved road or neighborhood path; on the SOUTH, in a distance of nine point forty-five (9.45) meters, with the Alvarado Colón family; on the EAST, in a distance of twenty-seven point thirteen (27.13) meters, with Angel F. Candelaria, and on the WEST, in a distance of eight point twenty-three (8.23) meters, with a paved neighborhood path.

In this lot there are constructed some zinc-roofed wooden structures devoted to residential use."

This order shall remain without effect in the event that the defendant and relatives, employees thereof, or any person or persons occupying the property which is the object of the complaint, have vacated the same and have paid the costs and expenses of this proceeding as well as the attorneys' fees set by the Court.

GIVEN at Bayamón, Puerto Rico, this the 27th day of March, 1978.

BE IT REGISTERED AND NOTIFIED.

(Sgd.) JOSE F. RODRIGUEZ RIVERA
SUPERIOR JUDGE

(OFFICIAL SEAL)

WHEREFORE, Mr. Marshall, you are hereby required to comply faithfully with the aforesaid Writ and to proceed with the corresponding eviction in the above-captioned case.

GIVEN at Bayamón, Puerto Rico, this the 5th day of April, 1978.

BE IT REGISTERED AND NOTIFIED.

(Sgd.) MARIA MORALES DE POU
CLERK

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Decision in Civil Case No. CS 76-2974 on Civil Action (Possessory Injunction), issued by the Superior Court of Puerto Rico, Bayamón Part, on February 20, 1979.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX IV

TRANSLATION FROM SPANISH

IN THE SUPERIOR COURT OF PUERTO RICO
BAYAMON PART

CIVIL NO. CS 76-2974

ON: CIVIL ACTION
(Possessory Injunction)

EPIFANIA PEREZ GUZMAN,
PLAINTIFF

V.

BASILIO VEGA VEGA AND ANOTHER,
DEFENDANTS

DECISION

In this case both parties are confessed trespassers of another's property. The plaintiff came before the Court through the remedy of possesory injunction, seeking that the Court order the defendants to vacate the land they had allegedly invaded, and which in turn she had also previously invaded. We rendered judgment protecting the plaintiff's possession. The defendants appeared later requesting that we set aside the judgment on the basis that they were not duly summoned and that one of the defendants had not been duly brought into the action. We set a date for a hear-

ing on the case, whereat abundant oral proof was presented.

On the date of the hearing one of the defendants, Basilio Vega, no longer occupied the land under dispute. As regards the other defendant, the evidence before the Court reveals that he is known as Luis and as Wiso, and he was one of those who invaded and constructed a shack in the place which is the object of the complaint. He appears now in this incident claiming to be Luis Santiago Ortega. He cannot deny, however, that he is the same defendant under the name of Luis Santiago Ortega, known as Guiso.

Worthy of our full credence was the witness Javier Fragoso, who said that for 25 years he has been involved in work related to summoning persons and other tasks in the Property Registries. He stated that he duly summoned the two defendants. He described in detail his trip to the land invaded and the manner whereby the notices were delivered. The other circumstances of the evidence convince us even more that the law was in fact duly complied with in the summoning of the defendants, and that they are not right in their present claims.

The judgment is hereby left in all its effect and force and the motion to set aside what has been enacted is hereby denied.

Be it Registered and Notified.

GIVEN at Bayamón, Puerto Rico, this the 20th day of February, 1979.

(Sgd.) JOSE RODRIGUEZ RIVERA
SUPERIOR JUDGE

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Decision in Civil Case No. 76-2974 (505) on Possessory Injunction, issued by the Superior Court of Puerto Rico, Bayamón Part, on February 28, 1980.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX V

TRANSLATION FROM SPANISH

IN THE SUPERIOR COURT OF PUERTO RICO
BAYAMON PART

CIVIL NO.: 76-2974 (505)

ON: POSSESSORY INJUNCTION

EPIFANIA PEREZ GUZMAN,
PLAINTIFF

V.

BASILIO VEGA VEGA AND
LUIS SANTIAGO ORTEGA,
DEFENDANTS

DECISION

In order to better clarify the action whereupon we must decide in this case, it is necessary to describe its judicial pilgrimage. Let us see.

On October 27, 1976, the plaintiff filed against the defendants an action of "Possessory Injunction," claiming that the latter invaded her possession of the parcel of land described in the complaint. It is proper to set forth that the alleged occupation of said property by the plaintiff came about also through an invasion of the land, so that we are faced with an alleged invasion against another invader.

Both defendants were summoned on November 13, 1976. For not having appeared at the proceedings to

answer the claims of the complaint, their default was entered on December 1, 1976. On March 18, 1977, the hearing was held by default, and judgment was rendered on August 3, 1977; a copy of the notice was filed in the record of the case on October 26, 1977.

On March 27, 1978, an order was issued to evict the defendants from the property. On September 1, 1978, on which date the eviction had not yet been carried out, and almost a year having elapsed from the notice of judgment, the defendants filed a writ entitled "Motion to set aside Motion (sic) and other extremes", wherein the Court is requested to set aside the judgment under Rule 49.2, alleging that the Court did not acquire jurisdiction over the parties. No other argument was claimed for setting aside the judgment. The Motion was accompanied with statements from the defendants denying *under oath* that they knew about the case before the eviction proceeding. After a hearing, whereat the parties presented evidence on each one's contention, through the Decision of February 20, 1979, the Court resolved that the defendants were validly summoned, for which reason the judgment was left in effect. The defendant did nothing as regards the Court's Decision until the defendants' eviction proceeding is begun again six months after the date of said Decision. It was then requested that a new eviction order not be issued, which the Court dismissed through the Order.of August 13, 1979. An appeal was made to the Supreme Court for a Writ of Certiorari, but it did not issue the same (Decision of October 18, 1979).

On December 4, 1979, the defendants again filed another "Motion for Relief from Judgment." A series of reasons are adduced therefor, among them, "that the plaintiff deceived the Court by falsely stating that she was in true possession of the real estate the object of the controversy..." This is the Motion now before us for decision.

Concurrently with the filing of this new request of relief from judgment, the Hon. José F. Rodríguez Rivera was requested to disqualify himself in this case. By Decision and Order of December 6, 1979, said judge provided that although "the grounds for the challenge are frivolous... as they are formulated within a spirit of petty intrigue..." He was disqualifying himself in the case. It came thus to our attention.

On December 11, 1979, the defendants filed before the Supreme Court a writ which they titled "Appeal" with copy thereof to this Superior Court Part.[1] The appeal was apparently from an inexistent determination, since reference is made to an alleged judgment or determination in the case by the Hon. Juan José Ríos Martínez, which it is adduced puts an end to the matter in issue, but which had not been rendered on that date nor thereafter. On December 20, 1979, the Supreme Court dismissed the writ of Appeal.

Under Rule 49.2, we set a hearing on the Motion for January 18, 1980. Thereat we limited the presentation of the alleged fraud upon the Court, as we understood that we lacked jurisdiction to consider the other claims of the Motion. At said hearing both parties presented evidence regarding their respective conten-

[1] It was done contrary to what is prescribed in Rule 53.1 of Civil Procedure.

tions, the case having remained submitted, subject only to a memorandum of authorities which was required to be filed by each party on or before February 15, 1980. Both parties filed it outside the term; the plaintiff did so on February 19, 1980; the defendant did so on February 25, 1980.

After the hearing whereat the case already remained submitted, the defendant requested the transcripts of some previous hearings "in order to be able to prove said fraud" on the part of plaintiff. On passing judgment on this request, we pointed out that the case had remained submitted with the evidence presented at the hearing. Through another brief the defendant also requested the Reconsideration of the acceptance as evidence of some documents which defendant accompanied with his motion. Without beginning to consider the propriety of such a request at that stage of the proceedings, which is practically equivalent to an invitation for us to open the doors wider to the procedural anarchy which already seems to have appeared in this case, we rendered the same Dismissed.

It must be set forth that at the hearing of January 18, 1980, counsel for defendant filed, and it was accepted, a Motion waiving the legal representation of Basilio Vega, after making clear that the request for which the hearing had been set was made only in name of the other defendant. It was stipulated that Mr. Basilio Vega had already abandoned the property which was the object of the complaint.

The evidence itself of the defendant at the aforementioned hearing does not establish the existence of

fraud upon the Court which said party claims. With the testimony of one of his witnesses, Mr. Rafael López, it was established that when the defendant Wilfredo Santiago, who is the same defendant Luis A. Santiago (known as Guiso), arrived at the property there was on the lot a wooden hut about as big as a room, which it was established belonged to the plaintiff. She had there tools to be used for constructing on the lot, and also kitchen equipment. Besides the hut there were installed the so-called "socles" for the building. The defendant himself expressed that he arrived at the lot in October 1976, (the same month on which the complaint was originally filed); that the plaintiff immediately took him before the Guaynabo District Court. There, Judge Toro told the plaintiff that she had to file an "Injunction." She did so, and in the meantime the defendant continued to construct there, knowing that there was an action pending in the Court, as he had been duly summoned.

Rule 49.2 of Civil Procedure is a mechanism to clear the way for justice (*Scn. de Bravo González v. Secretary of the Treasury*, 106 P.R.R. 672). It is not however, a means to achieve the extension of terms of review from Judgment which is in essence what is pretended now in this case (See *Figueroa v. Banco de San Juan*, resolved on May 16, 1979, 79 J.T.S. 46 *González v. Chaves*, s103 P.R.R. 478; *Rodríguez v. Superior Court*, 102 P.R.R. 290). The use of this procedural mechanism has some limitations imposed by the Rule itself.

Said Rule provides, in the part that concerns us now, that:

> "...This rule does not limit the power of the Court to (a) entertain an independent action for the purpose of relieving a party from a judgment, order, or proceeding; (b) grant a remedy to a party who in reality has not been summoned; and (c) set aside a judgment for the reason of fraud upon the court."

We are not considering the situation contemplated in part (a) of the above-transcribed paragraph. The situation covered in part (b) was already adjudged when the Court considered the preceding Motion for Relief from Judgment. That would leave available for this case only what is covered under letter (c), the so-called fraud upon the court.

In these cases the limitation of the six-month term is not in effect (*G.A.C. Finance Corp. v. Rodríguez*, 102 P.R.R. 213; *Municipality of Coamo v. Superior Court*, 99 P.R.R. 932).

The defendant pretends to sustain the alleged fraud basing himself in that the plaintiff did not bring the truth before the Court's consideration at the hearing of the case. For that he brings to our attention some testimonies that do not deserve any credence whatever, concerning the plaintiff's false statements. The only thing that remains clear from the evidence is that the defendant --who through his negligent inattention upon being summoned and through his clear contempt, is indifferent to the judicial proceeding-- faces iminent eviction and is now trying to seek refuge in the Court, which he disregarded by continuing to construct with an attendant bad faith. He forgets that in the achievement of justice one cannot sanctify

manuevers such as the one carried out by him (*Soriano Tavárez v. Rivera Anaya*, resolved on April 30, 1979, 79 J.T.S. 42).

The defendant confuses (in his memorandum of authorities) the concept of domicile with that of possession. Furthermore, he tries to hand on to the argument of equity, and reclaim, for the first time at this stage, the right to be compensated for what he has built, basing himself on provisions of law that govern the right of accession. Although the bad faith in the case has been clearly pointed out, neither has the defendant in his favor these arguments in a Motion for relief from judgment.

The defendant also adduces that his eviction would constitute a deprivation of his property without the due process of law. Although this defense has also been brought forth late, its frivolity is evident. He was given the opportunity to bring before the Court all the defenses that he thought he had available in his favor. He preferred disregard. Now he cannot complain. "It is ridiculous that persons who invade illegally and without any right whatever in others land point as an error... that they were deprived of the enjoyment of their property..." (*Catalán González and Co. v. García*, 104 P.R.R. 380, 386).

On what constitutes fraud upon the Court, which is the only thing that we are called upon to resolve here, it is fitting to emphasize what was said in *Municipality of Coamo*, supra (p 939).

> "Rule 42.9 contemplates two species of fraud. It distinguishes them by establishing that in the case of fraud inter parties the motion for relief

should be filed within the term of six months. In the case of fraud upon the court, tha latter may set aside the judgment without any time limitation whatsoever. Moore makes the distinction between the two types of fraud as follows:

"Fraud upon the Court, we believe, should cover only those types of fraud whose effect or whose attempt is to defile the court itself, or is a fraud perpetrated by officers of the court, so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. Fraud inter parties, per se, shall not to be considered fraud upon the court, but rather the remedy shall be left for a motion presented under Rule 60 (b) (3) or to an independent action."

"Our jurisprudence has acknowledge that fraud against the court is constituted by "the preparation, use, and presentation at the hearing of the case of false evidence obtained by the adversary party through bribery and the instigation to perjury..."

There is nothing in this case which permits us to conclude that the plaintiff incurred in fraud upon the Court.

The Motion for Relief from Judgment is hereby dismissed.

BE IT NOTIFIED.

Given at Bayamón, Puerto Rico, this the 28th day of February, 1980.

(Sgd.) ENRIQUE RIVERA SANTANA
Superior Judge

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen ~~hundred~~ eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Notice in Civil Case No. 76-2974 (505) on Possessory Injunction, issued by the General Court of Justice, Superior Court, Bayamón Part, on March 13, 1980.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

220APPENDIX VI

TRANSLATION FROM SPANISH

COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
SUPERIOR COURT
BAYAMON PART

CIVIL NO.: 76-2974 (505)

ON: POSSESSORY INJUNCTION

EPIFANIA PEREZ

V.

BASILIO VEGA AND LUIS SANTIAGO ORTEGA
K/A "GUISO"

NOTICE

Georgina Candal, Esq.
Box 727, Guaynabo, Puerto Rico 00657
Antonio Cajigas Llamas, Esq., 142 Rodríguez Oquendo & 2B Severo Quiñones, Urb., Carolina, Puerto Rico 00630

Gentlemen:

Your are hereby notified that in regard to Motion for Reconsideration filed by the defendant Wilfredo Santiago the Hon. Judge has rendered the hereinbelow transcribed Order which is on file and of record as of this date.

Order: "Dismissed"

(Sgd.) Enrique Rivera Santana
SUPERIOR JUDGE

Bayamón, Puerto Rico, this the 12th day of March, 1980.

Rosa M. Carrillo
Clerk

I HEREBY CERTIFY: That this notice was mailed to the above-mentioned parties, to their respective addresses set forth therein, on this the 13th day of March 1980.

Bayamón, Puerto Rico, this the 13th day of March, 1980.

Nelly Cruz Core
Clerk

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Decision in Civil Case No. 0-79-455 on Certiorari, issued by the Supreme Court of Puerto Rico, on October 18, 1979.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX VII

TRANSLATION FROM SPANISH

IN THE SUPREME COURT OF PUERTO RICO

NO. 0-79-455

CERTIORARI

EPIFANIA PEREZ,
PLAINTIFF AND APPEALED

V.

BASILIO VEGA AND LUIS SANTIAGO ORTEGA,
DEFENDANT AND APPELLANT PARTY

DECISION

San Juan, Puerto Rico, October 18, 1979.

With regard to the foregoing request of certiorari, the same is hereby dismissed.

The Court thus resolves and the Clerk thus attests. Associate Justices Rigau and Negrón García did not participate.

Ernesto L. Chiesa
Clerk

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Decision in Civil Case No. R-80-131 on Review, issued by the Supreme Court of Puerto Rico, on May 15, 1980.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX VIII

TRANSLATION FROM SPANISH

IN THE SUPREME COURT OF PUERTO RICO

NO. R-80-131

REVIEW

EPIFANIA PEREZ GUZMAN,
PLAINTIFF AND APPEALED PARTY

V.

BASILIO VEGA AND LUIS SANTIAGO ORTEGA,
DEFENDANT AND APPELLANT PARTY

DECISION

San Juan, Puerto Rico, May 15, 1980.

With regard to the foregoing motion of reconsideration, the same is hereby dismissed.

The Court thus resolves and the Clerk thus attests. Chief Justice Trías Monge and Associate Justice Rigau did not participate.

Ernesto L. Chiesa
Clerk

(OFFICIAL SEAL)

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Motion requesting Translation and Certification of the opinions and orders rendered in this case No. R-80-131 on Review, issued by the Supreme Court of Puerto Rico, on June 6, 1980.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX IX

TRANSLATION FROM SPANISH

IN THE SUPREME COURT OF PUERTO RICO

NO. R-80-131

REVIEW

EPIFANIA PEREZ GUZMAN,
PLAINTIFF AND APPEALED PARTY

V.

BASILIO VEGA VEGA AND
LUIS SANTIAGO ORTEGA,
DEFENDANT AND APPELANT PARTY

Motion requesting Translation and Certification of the opinions and orders rendered in this case.

TO THE HONORABLE COURT:

The appellant appears hereby by the undersigned counsel, and very respectfully states, claims, and requests:

FIRST: That in this case the appellant party is preparing a writ of certiorari to be filed before the Supreme Court of the United States.

SECOND: That rule 23 (J) of the regulations of the Supreme Court of the United States requires that a writ of Certiorari be submitted with a copy of the orders and opinions rendered in the case by the state Court.

Rule 37 of the Regulations of the Supreme Court of the United States requires that when a record being filed before the Supreme Court is in a foreign language, it be translated under the authority of the lower Court.

THIRD: That the appellant party requires that, in order to comply with the aforementioned rule, this Honorable Court provide an official translation of the following opinions in this case:

1. Judgment rendered by the Bayamón Superior Court on March 27, 1978.

2. Eviction Order issued by the Bayamón Superior Court on March 27, 1978.

3. Order issued by the Bayamón Superior Court on April 5, 1978.

4. Decision issued by the Bayamón Superior Court on February 20, 1979.

5. Decision dismissing the Certiorari issued by the Supreme Court of Puerto Rico on October 18, 1979.

6. Decision issued by the Superior Court on February 28, 1980.

7. Order dismissing the Motion for Reconsideration of the Bayamón Superior Court of March 12, 1980.

8. Order dismissing the petition for Review issued by the Supreme Court of Puerto Rico on April 17, 1980.

9. Order dismissing the Motion for Reconsideration issued by the Supreme Court of Puerto Rico on May 15, 1980.

Wherefore, the appellant party very respectfully requests of this Honorable Court to, pursuant to rules 23 and 37 of the Supreme Court of the United States,

order and supply the translation of the aforesaid orders and decisions.

CERTIFICATE

I hereby certify that I have sent a true and exact copy of this motion to Atty. Cajigas Llanos at his address, 2-B Street Number 142, Severo Quiñones Urb., Carolina, P.R.

At San Juan, Puerto Rico, this the 6th day of June, 1980.

(Sgd.) GEORGINA CANDAL
GEORGINA CANDAL
FRANCISCA SANTIAGO NEGRON
Puerto Rico Legal Services
Box 727
Guaynabo, Puerto Rico

Department of State
San Juan, Puerto Rico

I, FRANCES RIOS DE MORAN, Undersecretary of State of Puerto Rico, HEREBY CERTIFY: That JOSEPH J. PALACIOS, who authorizes the attached translation into English of said instrument, is Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, and that his signature thereto affixed is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, this the 14th day of July, A.D. nineteen hundred eighty.

FRANCES RIOS DE MORAN
Undersecretary of State

Department of State
San Juan, Puerto Rico

TRANSLATION CERTIFICATION

I, JOSEPH J. PALACIOS, Director of the Translation Office of the Department of State of the Commonwealth of Puerto Rico, HEREBY CERTIFY: That this is a true, full and exact English translation of a Decision in Civil Case No. R-80-131 on Review, issued by the Supreme Court of Puerto Rico, on June 12, 1980.

I assume no responsibility for the contents of the foregoing document.

Done at the City of San Juan, Puerto Rico, this the 14th day of July, 1980.

JOSEPH J. PALACIOS
Director
Translation Office

APPENDIX X

TRANSLATION FROM SPANISH

IN THE SUPREME COURT OF PUERTO RICO

NO. R-80-131

DECISION OF ENRIQUE RIVERA SANTANA, J., BAYAMON PART

REVIEW

EPIFANIA PEREZ GUZMAN
PLAINTIFF AND APPEALED PARTY

V.

BASILIO VEGA VEGA AND LUIS SANTIAGO ORTEGA,
DEFENDANT AND APPELLANT PARTY

DECISION

San Juan, Puerto Rico, June 12, 1980.

With regard to the preceding motion for reconsideration, dismissed; and the motion requesting a translation of documents, dismissed.

Court thus resolves and the Clerk thus attests.

Ernesto L. Chiesa
Clerk

(OFFICIAL SEAL)